

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

First Amended Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Thomas Benson Wilson Jr.

Case Number: 4:09CR00041-2 ERW

Name of Sentencing Judicial Officer: The Honorable E. Richard Webber
Senior United States District Judge

Date of Original Sentence: October 2, 2009

Original Offense: Unlawful Possession of a Prohibited Flask or Equipment With the Intent to Manufacture Methamphetamine

Original Sentence: 69 months imprisonment and 24 months supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: July 16, 2013

Expiration Date: July 15, 2015

Assistant U.S. Attorney: Jennifer Winfield

Defense Attorney: Stephen Welby

PETITIONING THE COURT

To amend the original petition to include additional information. The amended information is in bold.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number

General Condition: The defendant shall not commit another federal, state, or local crime.

General Condition: The defendant shall not possess a firearm as defined in 18 U.S.C. § 921.

Nature of Noncompliance

On March 4, 2014, the U.S. Probation Officer received notice that Wilson was “wanted” by the St. Louis Metropolitan Police Department (SLMPD) for Robbery 1st Degree in reference to a car-jacking that occurred on March 1, 2014. The SLMPD report, OCA #14-8546, has been received and is summarized as follows.

On March 1, 2014, at approximately 12:25am, SLMPD officers were dispatched to 6237 Famous Avenue, St. Louis, Missouri 63139 for a report of a car-jacking. The victim informed the officers that he was seated inside his vehicle, a 2008 Hummer H3, in the rear driveway of the above address when a small dark colored vehicle with tinted windows pulled in front of the Hummer,



blocking it in. Two white male subjects exited the vehicle and announced they were the police. Both subjects had on t-shirts with "Police" written on the front in white lettering.

Subject 2 forcibly removed the victim from his vehicle, pushed him against the vehicle, and ordered the victim to place his hands behind his back. Subject 1 (later identified as Thomas Wilson) searched the victim's pockets while subject 2 held him against the vehicle. Subject 1 removed six hundred dollars from the victim's left front pocket. The victim was then thrown to the ground and threatened to be shot by subject 1 as he pointed a dark colored handgun at the victim. The subjects then entered both vehicles and drove south in the alley from the scene.

The victim was not injured during the incident. The victim stated he recognized one of the suspects (Wilson) and provided the officer with the suspect's pedigree information, which was obtained from an acquaintance who also knew the subject. An area search failed to locate the vehicles or suspects.

Violation Number

General Condition: The defendant shall not commit another federal, state, or local crime.

General Condition: The defendant shall not possess a firearm as defined in 18 U.S.C. § 921.

Standard Condition #1: The defendant shall not leave the judicial district without the permission of the court or probation officer.

Nature of Noncompliance

On February 4, 2014, Madison County, Illinois Circuit Court issued an arrest warrant for Thomas Wilson alleging that he committed the offense of Home Invasion. The Madison County, Illinois Sheriff's Office incident report, OCA #14-2510, has been received and is summarized as follows.

On February 3, 2014, at approximately 11:29pm, deputies with the Madison County Sheriff's Office were dispatched to 5701 Marine Road, Alhambra, Illinois in reference to a home invasion in progress. Upon arrival, contact was made with three subjects who advised that they were the occupants of the residence and the victims in this incident. Deputies observed that the door of the residence was knocked off its hinges. A check of the residence yielded negative results for any suspects. However, multiple items of drug paraphernalia were observed inside the residence.

The victims advised that three or four subjects, wearing police vests and claiming to be police, came to the front door and attempted to break it down. The subjects were armed with handguns. The suspects were described as white males. The suspects ordered the three victims downstairs into one of the bedrooms while demanding money and drugs. One of the subjects took a victim's wallet, cell phone, and a set of keys to a Uhaul truck that was parked outside. One of the victims stated he was struck in the face with a gun. The victims advised that the suspects fled the scene on foot once deputies arrived. A black 2001 Chevrolet Impala bearing Missouri license plate #AC5 C45 was left at the scene. It was believed that this is the vehicle that the suspects arrived in, which was left at the scene after the suspects fled on foot.

The victims informed the deputies that the owner of the residence is currently incarcerated in the St. Louis City Justice Center. A week prior to this incident, the home was invaded in similar fashion. Therefore, the owner of the residence asked the three victims to stay at the house in order to prevent the house from being broken into again.

On March 6, 2014, the undersigned officer spoke to Madison County Sheriff's Office Detective CJ Reckman regarding the above mentioned home invasions. This officer asked Detective Reckman how Thomas Wilson was identified as a suspect in this case. Detective Reckman advised that he interviewed the last known owner of the Chevrolet Impala that was left at the scene. The owner of the vehicle stated he sold the vehicle to Thomas Wilson on January 17, 2014. Additionally, a prescription medication bottle with Thomas Wilson's name on it was recovered from inside the vehicle. Lastly, one of the victims from the home invasion positively identified Wilson through a photo lineup.

Violation Number

General Condition: The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court.

Standard Condition #7: The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

Nature of Noncompliance

On January 22, 2014, Wilson submitted to a drug test that returned positive for amphetamines. On January 28, 2014, the undersigned officer interviewed Wilson regarding the positive drug test. Wilson denied use of any controlled substances. He also stated he was not prescribed any medications that could result in a positive drug test. As a result, the sample from this drug test was sent to the national lab for confirmation. Confirmation results received on February 3, 2014 verified that the positive drug test resulted from the use of methamphetamine. As Wilson is currently absconding from supervision, he has not made himself available to further discuss this drug use.

Violation Number

Standard Condition #2: The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month.

Standard Condition #5: The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons.

Nature of Noncompliance

On February 5, 2014, February 6, 2014, and February 11, 2014, the undersigned officer attempted to contact Wilson via telephone. However, Wilson's cell phone went straight to voicemail. A voicemail was left for Wilson directing him to return this officer's call. On February 6, 2014, a letter was mailed to Wilson's reported address directing him to report to the probation office on February 11, 2014.

On February 7, 2014, a home visit was conducted at Wilson's reported address. There was no answer after several knocks on the front door of the residence. A letter was left at the residence directing Wilson to report to the probation office on February 11, 2014. Wilson failed to report as directed on February 11, 2014 and failed to make contact with this officer.

On February 6, 2014, the undersigned officer contacted Wilson's boss, Rick Fitzsimmons, to determine if Wilson had been reporting for work. Mr. Fitzsimmons advised that Wilson last reported to work on February 3, 2014. He failed to report for work or to contact Mr. Fitzsimmons on February 4, 2014, February 5, 2014, and February 6, 2014.

On February 10, 2014, the undersigned officer contacted a friend of Wilson's, Elizabeth Million. Ms. Million advised that on February 7, 2014, she met with Wilson and they signed a notarized agreement giving her control of all Wilson's assets and custody of his son. She advised that Wilson informed her that he has "some stuff to take care of and won't be back for a while." She stated she did not know Wilson's current whereabouts or how to get in contact with him.

Wilson failed to submit a written monthly supervision report for January 2014.

Violation Number

Standard Condition #9: The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.

Nature of Noncompliance

On January 8, 2014, Wilson contacted this officer and stated he received a traffic citation from St. Louis Metropolitan Police Department (SLMPD) the previous night. Wilson stated there were two passengers in his car at the time of this traffic stop. He further advised that one of the passengers was arrested. Wilson stated he did not know the reason for the arrest.

The SLMPD report for the above incident, OCA #14-858, was received and is summarized as follows. On January 8, 2014, SLMPD officers conducted a traffic stop of Wilson's vehicle after observing the vehicle violate a stop sign. The officers observed three male occupants of the car, later identified as Thomas Wilson (driver), Thomas Tisher (front passenger), and Todd Scott (rear passenger). Upon approaching the vehicle, the officers observed possible contraband on the front passenger seat floorboard. As a result, all occupants were removed from the vehicle and detained. Upon searching the vehicle, a clear plastic baggie containing what was believed to be methamphetamine was recovered near the front passenger's feet. While retrieving the bag from the vehicle, the officer observed a black handgun under the front passenger seat. The firearm was loaded with nine rounds in the magazine and one in the chamber. A search of the vehicle revealed no other contraband. Thomas Tisher was placed under arrest for Violation of Missouri Controlled Substance Law. Wilson and Scott denied knowing the suspected controlled substance and firearm were in the car. Wilson was issued a citation for Violating a Stop Sign.

The rear passenger in Wilson's vehicle, Todd Scott, has multiple prior felony convictions. Wilson did not have this officer's permission to associate with Todd Scott.

On January 15, 2014, Wilson reported to the probation office and further discussed the above incident. Wilson stated at the time of this incident he had just finished doing snow removal work for supplemental income. He stated he was taking Todd Scott home from work when he was pulled over by SLMPD. He reiterated that he did not know the contraband was in his vehicle.

Violation Number

Special Condition: The defendant shall participate in a drug or alcohol abuse treatment program approved by the United States Probation Office, which may include substance abuse testing, counseling, residence in a Community Corrections Center, residence in a Comprehensive Sanctions Center, Residential Re-Entry Center, or in-patient treatment in a treatment center or hospital. The defendant shall pay for the costs associated with substance abuse treatment based on a co-payment fee established by the United States Probation Office. Co-payments shall never exceed the total costs of services provided.

Nature of Noncompliance

Wilson failed to report for substance abuse testing on December 17, 2013 and January 20, 2014. Wilson has failed to call the drug testing hotline from February 4, 2014 – February 11, 2014.

Previous Violations

On January 22, 2014, the Court was notified of the above violations for associating with persons engaged in criminal activity and with a person convicted of a felony, and for failure to submit to drug tests. As a result of this violation, Wilson was verbally reprimanded and counseled regarding this behavior. As no Court action was taken in response to these violations, they have been included in the body of this report.

U.S. Probation Officer Recommendation:

It is respectfully requested that the Court **amend the original petition to include the additional information and proceed with revocation of Wilson's term of supervised release. By Wilson's most recent activity, he is a tremendous threat to the community.** Wilson has absconded and is willfully avoiding the supervision process. Efforts have been made to re-engage Wilson in supervision, but these efforts have failed. Wilson has failed to respond to numerous telephone calls, reporting directives, and a home visit. Furthermore, Wilson is actively using methamphetamine and making himself unavailable for intervention.

The Supervised Release should be

[X] revoked.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 6, 2014

Approved,

by



Julie A. O'Keefe
Supervising U.S. Probation Officer
Date: March 6, 2014

Respectfully submitted,

by



Timothy J. Goehring
U.S. Probation Officer
Date: March 6, 2014

THE COURT ORDERS:

- No Action
- Amend the Petition



Signature of Judicial Officer
March 6, 2014

Date